

Uruguay

Incidence and Nature of Child Labor

Statistics on the number of working children under age 15 in Uruguay are unavailable.⁴⁸²¹ The majority of child work occurs in the informal sector, where children work in agriculture, street vending, and garbage collection.⁴⁸²² Such areas of labor generally were regulated less strictly, and pay was lower than in the formal sector.⁴⁸²³ The country's economic crisis from 1998 to 2003 reportedly led to an increase in the incidence of children working in the informal sector.⁴⁸²⁴ Child labor is one of many problems associated with poverty. In 2000, less than 2 percent of the population of Uruguay were living on less than USD 1 a day.

The arrests of children involved in sexual work provide evidence that child prostitution exists; however, there are few statistics on the problem.⁴⁸²⁵ Several types of prostitution have been reported, including of very poor and homeless children around factories and in slums, in downtown bars and pubs, on the street, and through pimps.⁴⁸²⁶ There are also isolated reports of prostitution of boys.⁴⁸²⁷ Reports from children's rights NGOs and the media indicate that minors resorted to prostitution for survival or to assist their families in rural areas where unemployment was greater than 20 percent.⁴⁸²⁸

Uruguay serves as a destination and transit point for some forced labor in the region, as well as a source country for women and children trafficked for sexual exploitation, according to the U.S. Department of State.⁴⁸²⁹ In addition, children often are trafficked across Uruguay's poorly controlled borders from Argentina, Brazil, and other countries. Organized groups sometimes require children to beg, and children of some poor rural families are sent by their parents to work at ranches under conditions of involuntary servitude. According to authorities, children were trafficked for prostitution and pornography.⁴⁸³⁰ Most of the commercial sexual exploitation of children between ages 11 and 15 occurred in the states bordering

⁴⁸²¹ This statistic is not available from the data sources that are used in this report. Please see the "Data Sources and Definitions" section for information about sources used. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms, such as the use of children in the illegal drug trade, prostitution, pornography, and trafficking. As a result, statistics and information on children's work in general are reported in this section. Such statistics and information may or may not include the worst forms of child labor. For more information on the definition of working children and other indicators used in this report, please see the "Data Sources and Definitions" section of this report.

⁴⁸²² U.S. Department of State, *Country Reports on Human Rights Practices- 2004: Uruguay*, Washington, DC, February 28 2005, Section 6d; available from <http://www.state.gov/g/drl/rls/hrrpt/2004/41777.htm>. See also U.S. Embassy- Montevideo, *reporting*, September 2004, para. 3.

⁴⁸²³ U.S. Department of State, *Country Reports- 2004: Uruguay*, Section 6d.

⁴⁸²⁴ U.S. Embassy- Montevideo, *reporting*, September 2004, Section 1.

⁴⁸²⁵ U.S. Department of State, *Country Reports- 2004: Uruguay*, Section 5.

⁴⁸²⁶ Child prostitutes are also found in hotels and massage parlors, at "pornoshows," among domestic servants, and in modeling agencies. See ECPAT International, *Uruguay*, in ECPAT International, [database online] n.d. [cited October 20, 2005]; available from http://www.ecpat.net/eng/Ecpat_inter/projects/monitoring/online_database/countries.asp?arrCountryID=186&CountryProfile=facts,affiliation,humanrights&CSEC=Overview,Prostitution,Pornography,trafficking&Implement=Coordination_cooperation,Prevention,Protection,Recovery,ChildParticipation&Nationalplans=National_plans_of_action&orgWorkCSEC=orgWorkCSEC&DisplayBy=optDisplayCountry.

⁴⁸²⁷ U.S. Department of State, *Country Reports- 2004: Uruguay*, Section 5.

⁴⁸²⁸ Ibid.

⁴⁸²⁹ U.S. Department of State, *Trafficking in Persons Report- 2005: Uruguay*, Washington, DC, June 3, 2005; available from <http://www.state.gov/g/tip/rls/tiprpt/2005/46616.htm>.

⁴⁸³⁰ Ibid.

Brazil and Argentina.⁴⁸³¹ Also, possible child prostitution rings in Montevideo and the resort areas of Punta del Este and Maldonado were a concern for authorities.⁴⁸³²

Kindergarten, primary, and secondary education are free and compulsory for a total of nine years.⁴⁸³³ In 2002, the gross primary enrollment rate was 109 percent and the net primary enrollment rate was 90 percent.⁴⁸³⁴ Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. Primary school attendance statistics are not available for Uruguay.⁴⁸³⁵ As of 2001, 93 percent of children who started primary school were likely to reach grade 5.⁴⁸³⁶ More recent primary school attendance statistics are not available for Uruguay.⁴⁸³⁷

Child Labor Laws and Enforcement

The Children's Code sets the minimum age for employment at 15 years, and at 18 years for hazardous work.⁴⁸³⁸ Hazardous work is defined as work that endangers the health, life, or morals of a child.⁴⁸³⁹ Workers between 15 and 18 years require government permission to work and must undergo physical exams to identify possible exposure to job-related physical harm.⁴⁸⁴⁰ The government only grants permission to work for minors who have finished either 9 years of compulsory education or who are enrolled in school and in the process of completing compulsory education.⁴⁸⁴¹ They also may not work more than 6 hours per day, or 36 hours per week.⁴⁸⁴² Violations of child labor laws are punishable by a fine of up to 2,000 "Readjustable Units," which are calculated based on the cost of living.⁴⁸⁴³ Repeat offenders may be imprisoned, and parents of working children may be subject to fines, imprisonment, or possible limitation or revocation of guardianship.⁴⁸⁴⁴

The worst forms of child labor may be prosecuted under different statutes in Uruguay. Forced or bonded labor, including by children, is prohibited by the Constitution.⁴⁸⁴⁵ The penalties for businesses employing forced laborers include fines or closure, which could not be applied against groups that forced children to beg.⁴⁸⁴⁶ The Commercial or Noncommercial Sexual Violence Against Children, Adolescents, and the

⁴⁸³¹ U.S. Department of State, *Country Reports- 2004: Uruguay*, Section 5.

⁴⁸³² *Ibid.*

⁴⁸³³ *Ibid.* See U.S. Embassy- Montevideo, *reporting, September 2004*, para. 5.

⁴⁸³⁴ UNESCO Institute for Statistics, <http://stats.uis.unesco.org/TableViewer/tableView.aspx?ReportId=51> (Gross and Net Enrollment Ratios, Primary; accessed October 2005). For an explanation of gross primary enrollment rates that are greater than 100 percent, please see the definition of gross primary enrollment rates in the "Data Sources and Definitions" section of this report.

⁴⁸³⁵ This statistic is not available from the data sources that are used in this report. Please see the "Data Sources and Definitions" section for information about sources used.

⁴⁸³⁶ UNESCO Institute for Statistics, <http://stats.uis.unesco.org/TableViewer/tableView.aspx?ReportId=55> (School life expectancy, % of repeaters, survival rates; accessed December 2005).

⁴⁸³⁷ U.S. Embassy- Montevideo, *reporting, September 2004*, Section 5.

⁴⁸³⁸ *Ibid.*, Section 2.

⁴⁸³⁹ *Ibid.*

⁴⁸⁴⁰ U.S. Department of State, *Country Reports- 2004: Uruguay*, Section 6d.

⁴⁸⁴¹ *Ibid.*

⁴⁸⁴² *Poder Legislativo, República Oriental del Uruguay: Children's Code, Ley No. 17.823*, (September 2004), Artículo 169.

⁴⁸⁴³ U.S. Embassy- Montevideo, *reporting, September 2004*, Section 3.

⁴⁸⁴⁴ *Ibid.*, paras. 2, 3.

⁴⁸⁴⁵ U.S. Department of State, *Country Reports- 2004: Uruguay*, Section 6c.

⁴⁸⁴⁶ U.S. Department of State, *Trafficking in Persons Report- 2005: Uruguay*.

Handicapped law addresses pornography, prostitution, and trafficking involving minors.⁴⁸⁴⁷ The production, facilitation, or dissemination of child pornography is punishable by 6 months to 6 years of incarceration. Prison terms for trafficking children in or out of the country or contributing to the prostitution of a child range from two to 12 years.⁴⁸⁴⁸ Additionally, prostituting a child for profit is punishable by a minimum jail sentence of two to 12 years.⁴⁸⁴⁹ Eighteen is the minimum age for voluntary or compulsory military conscription.⁴⁸⁵⁰

The Adolescent Labor Division of the National Institute for Adolescents and Children (INAU) bears primary responsibility for implementing policies to prevent and regulate child labor and to provide training on child labor issues.⁴⁸⁵¹ INAU works with the Ministry of Labor to investigate complaints of child labor and the Ministry of the Interior to prosecute cases.⁴⁸⁵² However, the U.S. Department of State reports that lack of resources and the concentration of child work in the informal sector, which accounts for 40 percent of total employment in Uruguay, make enforcement difficult.⁴⁸⁵³ Responsibility for investigating trafficking cases lies primarily with the Ministry of the Interior.⁴⁸⁵⁴ In January 2005, police arrested five traffickers and also issued warrants for two others suspected of smuggling Chinese migrants for forced agricultural labor.⁴⁸⁵⁵

Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor

The National Committee for the Eradication of Child Labor (CNETI) had a National Action Plan for 2003-2005 to combat child labor.⁴⁸⁵⁶ The plan included measures to raise awareness, strengthen legal protections, reintegrate and retain working children in school, and develop alternative income generation options for families of working children.⁴⁸⁵⁷ In addition, the issue of child labor has been incorporated into the teacher training curriculum as part of the national action plan to combat child labor.⁴⁸⁵⁸ UNICEF is also implementing an awareness-raising project on children's and adolescents' rights that includes a component on child labor.⁴⁸⁵⁹

⁴⁸⁴⁷ The Commercial or Noncommercial Sexual Violence Against Children, Adolescents, and the Handicapped Law, Law No. 17.815, was passed by the Uruguayan Senate in 2004. *Poder Legislativo, República Oriental del Uruguay: Violencia Sexual Comercial o No Comercial Cometida Contra Niños, Adolescentes o Incapaces, Ley No. 17.815*, (August 18, 2004).

⁴⁸⁴⁸ *Ibid.*, Artículo 6.

⁴⁸⁴⁹ *Ibid.*, Artículo 5.

⁴⁸⁵⁰ U.S. Central Intelligence Agency, *The World Factbook: Military Manpower, Military Age and Obligation*, CIA, [online] August 30, 2005 [cited October 20, 2005]; available from <http://www.cia.gov/cia/publications/factbook/fields/2024.html>.

⁴⁸⁵¹ The National Institute for Adolescents and Children (INAU) was formerly known as the National Institute for Minors (INAME). *Poder Legislativo, República Oriental del Uruguay: Children's Code, Ley No. 17.823*, Artículo 68.

⁴⁸⁵² There have been claims that the division of responsibility between the Ministry of Labor and INAU vis-à-vis child labor is not always clear, since they both conduct investigations. See U.S. Embassy- Montevideo, *reporting, September 2004*, para. 4.

⁴⁸⁵³ U.S. Department of State, *Country Reports- 2004: Uruguay*, Section 6d.

⁴⁸⁵⁴ U.S. Department of State, *Trafficking in Persons Report- 2005: Uruguay*.

⁴⁸⁵⁵ *Ibid.*

⁴⁸⁵⁶ ILO-IPEC, *Ficha País: Uruguay*; available from

<http://www.oit.org.pe/spanish/260ameri/oitreg/activid/proyectos/ipe/doc/fichas/fichauruguay.doc>.

⁴⁸⁵⁷ *Ibid.* See also, generally, Comité Nacional para la Erradicación del Trabajo Infantil (CETI), *Plan de Acción para la Prevención y Erradicación del Trabajo Infantil en el Uruguay: 2003-2005*, 2003; available from http://www.cetinf.org/plan_accion.pdf.

⁴⁸⁵⁸ Ministry of Labor and Social Security representative to the National Committee for the Eradication of Child Labor María del Rosario Castro, written communication to Uruguayan Minister of Labor and Social Security Santiago Pérez del Castillo in response to USDOL request for information, 2003.

⁴⁸⁵⁹ UNICEF, *At a glance: Uruguay*, in UNICEF, [online] n.d. [cited October 20, 2005]; available from <http://www.unicef.org/infobycountry/uruguay.html>.

The Interdepartmental Commission for the Prevention and Protection of Children Against Sexual Exploitation, along with INAU, has a national plan of action against commercial sexual exploitation of children that includes protection measures for victims and witnesses.⁴⁸⁶⁰ In addition, INAU maintains shelters for children at risk of abuse and cooperates with an NGO to provide food vouchers to parents of street children who attend school.⁴⁸⁶¹ INAU also offers various services for adolescents, such as work training and safety programs, and educational and placement services.⁴⁸⁶² The government also provides parents of working children with monthly payments in exchange for regular class attendance by their children, and offers free lunch to needy children in public schools.⁴⁸⁶³ In 2004, the Ministry of Interior created a special office to address child trafficking.⁴⁸⁶⁴ In August that year, the Crime Prevention Office also initiated implementation of a database on cases related to trafficking.⁴⁸⁶⁵ However, overall during the period April 2004 to March 2005, the Government of Uruguay lacked programs for specifically assisting trafficking victims, according to the U.S. Department of State.⁴⁸⁶⁶

Selected Child Labor Measures Adopted by Governments		
Ratified Convention 138	6/2/1977	✓
Ratified Convention 182	8/3/2001	✓
ILO-IPEC Member		✓
National Plan for Children		✓
National Child Labor Action Plan		✓
Sector Action Plan (Commercial Sexual Exploitation)		✓

The government, with support from the World Bank, is implementing a project to improve the equity, quality, and efficiency of preschool and primary education.⁴⁸⁶⁷ The government is also participating in an IDB-funded program that includes initiatives to address child labor, reduce school attrition, and improve children's performance in school.⁴⁸⁶⁸

⁴⁸⁶⁰ U.S. Department of State, *Country Reports- 2004: Uruguay*, Section 5.

⁴⁸⁶¹ *Ibid.*, Sections 5, 6d.

⁴⁸⁶² U.S. Embassy- Montevideo, *reporting, September 2004*, para. 5.

⁴⁸⁶³ *Ibid.*, para. 5.

⁴⁸⁶⁴ U.S. Department of State, *Trafficking in Persons Report- 2005: Uruguay*.

⁴⁸⁶⁵ *Ibid.*

⁴⁸⁶⁶ *Ibid.*

⁴⁸⁶⁷ The five-year project was funded in 2002. See World Bank, *Third Basic Education Quality Improvement Project*, [online] [cited October 20, 2005]; available from <http://web.worldbank.org/external/projects/main?pagePK=104231&piPK=73230&theSitePK=40941&menuPK=228424&ProjectId=P070937>.

⁴⁸⁶⁸ The five-year program was funded in November 2002. See IDB, *Uruguay: Comprehensive Program for at-risk Children, Adolescents and Families*, UR-134, 2002, 2; available from <http://www.iadb.org/exr/doc98/apr/ur1434e.pdf>. See also IDB, *Approved Projects - Uruguay*, in IDB, [online] November 20, 2003 [cited September 25, 2005]; available from <http://www.iadb.org/exr/doc98/apr/lcuru.htm>.